

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**VALENCELL, INC.,**

**Plaintiff,**

**v.**

**APPLE, INC.,**

**Defendant.**

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**C.A. No. 5:16-cv-00001-D**

**JURY TRIAL DEMANDED**

**VALENCELL’S MOTION TO DISMISS DEFENDANT’S COUNTERCLAIMS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff Valencell, Inc. (“Valencell”) moves to dismiss Counts I – VIII of Defendant Apple, Inc.’s (“Defendant” or “Apple”) counterclaims for failure to state a claim. In support thereof, Valencell submits the accompanying Memorandum.

Dated: April 11, 2016

Respectfully submitted,

/s/ Lynne A. Borchers

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Attorneys for Plaintiff  
**VALENCELL, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which pursuant to Local Civil Rule 4.1(e), constitutes service on counsel of record for Defendant.

Dated: April 11, 2016

Respectfully submitted,

/s/ Lynne A. Borchers  
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